

## *REMARKS*

### *Information Disclosure Statement*

Applicant filed an "Information Disclosure Statement" on March 15, 2002, which was accompanied by Form PTO-1449 identifying references AA-BJ. Upon reviewing the Examiner-initialed Form PTO-1449 enclosed with the "Office Action" dated February 25, 2004, Applicant determined that reference BG was erroneously identified as "84889B/85," which was believed to be the correct application number, in the Form PTO-1449. Applicant further noted that Applicant may have inadvertently failed to submit an English-language abstract of the subject document. Accordingly, Applicant submits herewith an Information Disclosure Statement accompanied by Form PTO-1449 identifying reference BG as "206218Z," which is the correct publication number for the application, as well as an English-language abstract for the application. Applicant respectfully requests entry of the Information Disclosure Statement and return of a copy of the Examiner-initialed Form PTO-1449 confirming the Examiner's consideration of reference BG, as well as any other references identified therein.

### *The Present Invention*

The present invention pertains to systems for collecting, separating, and filtering debris, and debris collection vehicles comprising such systems. Claims 1-25 currently are pending.

### *Summary of the Office Action*

The Office Action rejects claims 16-24 under 35 U.S.C. § 112, second paragraph, as allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as his invention. The Office Action rejects claims 16-20 under 35 U.S.C. § 102(e) as allegedly anticipated by U.S. Patent No. 6,195,837 (Vanderlinden) (hereinafter "the Vanderlinden '837 patent"). The Office Action also rejects claims 1-4, 6-8, 10-13, and 15 under 35 U.S.C. 103(a) as allegedly unpatentable over the Vanderlinden '837 patent in view of U.S. Patent No. 4,754,521 (Zoni) (hereinafter "the Zoni '521 patent"). The Office Action indicates that claims 5, 9, and 14 recite allowable subject matter, but objects to the claims insofar as they depend from a rejected base claim (i.e., claim 1). The Office Action also indicates that claims 22, 23, and 24 would be allowable if the claims were rewritten to overcome the Section 112, second paragraph, rejection set forth above.

*Discussion of the Claim Amendments*

Claims 1, 16, and 25 have been amended to recite that the debris collection devices defined therein comprise at least one peripheral debris contacting mechanism and a shroud enclosing at least a portion of the peripheral debris contacting mechanism. The peripheral debris contacting mechanism is disposed forward of the first debris contacting mechanism relative to the direction of forward movement of the vehicle and is configured to contact debris on the surface that is intended to be cleaned and deliver the debris to an area where it can be contacted by the first debris contacting mechanism. The shroud is configured to at least temporarily retain at least a portion of any airborne particles generated by the peripheral debris contacting mechanism. This amendment is supported by the specification, for example, at paragraphs [0072] and [0090]-[0093], as well as, for example, Figures 1, 2, 5B, 6A-C, and 9. Claim 16 has also been amended to delete the parenthetical phrase “(or at least a substantial proportion of the debris)” and recite that debris received through the inlet may be deposited upon the “debris transport mechanism such that gravity and friction will maintain at least a substantial proportion of the debris upon the transport mechanism without the assistance of a scoop or a cleat.” Claim 15 has been amended to correct a typographical error appearing in the claim as filed. No new matter has been added by way of these amendments.

*Discussion of the Section 112, Second Paragraph, Rejection*

As noted above, the Office Action rejects claim 16-24 as allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as his invention. In particular, the Office Action asserts that the parenthetical phrase “(or at least a substantial proportion of the debris)” contained in the claim 16 renders the scope of the claim indefinite insofar as it is indiscernible whether the parenthetical expression is to be taken as a limitation on the claim. As set forth above, claim 16 has been amended to delete the aforementioned parenthetical phrase. Therefore, the section 112, second paragraph, rejection of claims 16-24 has been rendered moot and should be withdrawn.

*Discussion of the Section 102 and Section 103 Rejections*

The Office Action rejects claims 16-20 as allegedly anticipated by the Vanderlinden ‘837 patent and claims 1-4, 6-8, 10-13, and 15 as allegedly obvious over the Vanderlinden ‘837 patent in view of the Zoni ‘521 patent. Applicant discusses the rejections below.

The Vanderlinden ‘837 patent generally discloses a debris collection vehicle comprising a cylindrical rotating sweeping broom mounted on the vehicle, a mechanical

debris elevator which receives debris from the rotating sweeping broom and deposits the debris into a debris retaining hopper (see, e.g., the Vanderlinden '837 patent at col. 5, lines 7-26). However, the debris collection vehicle disclosed in the Vanderlinden '837 patent does not comprise a peripheral debris contacting mechanism (e.g., a gutter broom) disposed forward of the first debris contacting mechanism relative to the direction of forward movement of the vehicle and which is configured to contact debris on the surface that is intended to be cleaned of debris and deliver the debris to an area where it can be contacted by the first debris contacting mechanism. Indeed, rather than teaching the use of a peripheral debris contact mechanism to deliver debris to an area where it can be collected by the rotating sweeping broom, the Vanderlinden '837 patent teaches that the disclosed debris collection vehicle can comprise a flexible suction hose to allow suctioning of debris from curb sides, gutters, catch basins, etc. which are not contacted by the rotating sweeping broom (see, e.g., the Vanderlinden '837 patent at col. 7, lines 11-54). Insofar as the Vanderlinden '837 patent fails to disclose or suggest a debris collection device comprising a peripheral debris contacting mechanism and proposes a completely different approach to solve the problem addressed by such a peripheral debris contacting mechanism, the invention defined by the pending claims cannot properly be considered anticipated by or obvious over the Vanderlinden '837 patent.

The Zoni '521 patent does not cure the deficiencies of the Vanderlinden '837 patent. While the Zoni '521 patent does disclose the use of brushes located at the periphery of the vehicle (see, e.g., the Zoni '521 patent at col. 5, lines 14-30), the Zoni '521 patent does not disclose or suggest the use of a shroud to at least partially enclose the brushes and temporarily retain the dust produced by the action of the brushes on the surface to be cleaned. Rather, the Zoni '521 patent teaches that the dust generated by the brushes can be controlled through the use of water delivered to the brushes and the area surrounding the brushes by a plurality of nozzles (see, e.g., the Zoni '521 patent at col. 6, lines 1-13), which is the type of dust control means that the present invention is designed to avoid. In particular, the shroud of the debris collection devices defined by the pending claims at least temporarily retains any airborne particles generated by the peripheral debris contacting mechanism (e.g., generated by the brushing action of a gutter broom on the surface to be cleaned), thereby reducing the amount of airborne particles released to the environment during operation of the debris collection device and reducing or eliminating the need to suppress the generation of airborne particles through the use of water, which can be undesirable in certain applications (e.g., debris collection in cold climates). Therefore, the Zoni '521 patent teaches a means for controlling the dust generated by the brushes that is in direct contrast to the means utilized in

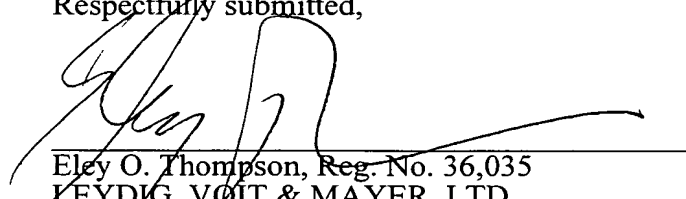
the invention defined by the pending claims. Accordingly, the subject matter of the pending claims cannot properly be considered obvious over the Zoni '521 patent, whether it is considered alone or in combination with the Vanderlinden '837 patent.

In view of the foregoing, the invention defined by the pending claims is both novel and nonobvious over the cited references. In particular, the cited references, whether considered alone or in combination, fail to teach or suggest both (i) a debris collection device comprising a peripheral debris contacting mechanism (e.g., a gutter broom) disposed forward of the first debris contacting mechanism relative to the direction of forward movement of the vehicle and which is configured to contact debris on the surface that is intended to be cleaned of debris and deliver the debris to an area where it can be contacted by the first debris contacting mechanism, and (ii) a shroud enclosing at least a portion of the peripheral debris contacting mechanism and being configured to at least temporarily retain at least a portion of any airborne particles generated by the peripheral debris contacting mechanism. Rather, the cited references teach means for collecting debris around the periphery of the vehicle and controlling the dust generated by such means that are fundamentally different from those recited in the pending claims. Therefore, the invention defined by the pending claims cannot properly be considered obvious over the cited references. Accordingly, the section 102 and 103 rejections of claims 1-4, 6-8, 10-13, 15, and 16-20 should be withdrawn.

### *Conclusion*

The application is considered in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,



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